

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Brandon Jones, a California inmate proceeding *pro se*, filed a civil rights complaint pursuant to 42 U.S.C. § 1983.¹ For the reasons stated below, the court dismisses the complaint for failure to state a claim for relief.

I. DISCUSSION

A. Standard of Review

A federal court must conduct a preliminary screening in any case in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity.² In its

¹ Jones has consented to magistrate judge jurisdiction. See Docket No. 4.

² See 28 U.S.C. § 1915A(a).

1 review, the court must identify any cognizable claims and dismiss any claims that are frivolous,
 2 malicious, fail to state a claim upon which relief may be granted or seek monetary relief from a
 3 defendant who is immune from such relief.³ *Pro se* pleadings must, however, be liberally
 4 construed.⁴

5 To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two essential elements:
 6 (1) that a right secured by the Constitution or laws of the United States was violated, and (2) that
 7 the alleged deprivation was committed by a person acting under the color of state law.⁵

8 B. Jones' Claim

9 Jones names as defendants the State of California, the Alameda County District
 10 Attorney's Office, two superior court judges, Jones' public defender, and a private investigator.
 11 Jones complains about the criminal proceedings against him, and alleges such things as: his trial
 12 is unfair, he was not given a "fair bail," and the trial court failed to hold a hearing on a motion to
 13 suppress. It is clear from the complaint that Jones' allegations relate to the legalities of his
 14 criminal proceedings, and do not concern his conditions of confinement.

15 Jones fails to state a cognizable claim for relief. "Challenges to the lawfulness of
 16 confinement or to particulars affecting its duration are the province of habeas corpus."⁶ Jones'
 17 claims are not appropriate in a Section 1983 complaint, and must instead be brought in a petition
 18 for writ of habeas corpus.⁷

19 **II. CONCLUSION**

20 The complaint is DISMISSED for failure to state a claim.

22 ³ See 28 U.S.C. § 1915A(b)(1), (2).

23 ⁴ See *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir. 1988).

24 ⁵ See *West v. Atkins*, 487 U.S. 42, 48 (1988).

25 ⁶ *Hill v. McDonough*, 547 U.S. 573, 579 (2006) (quoting *Muhammad v. Close*, 540 U.S. 749,
 26 750 (2004)).

27 ⁷ See *Docken v. Chase*, 393 F.3d 1024, 1026 (9th Cir. 2004) (recognizing that challenges
 28 implicating the fact or duration of confinement must be brought through a habeas petition).

1 IT IS SO ORDERED.
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3 DATED: 3/21/2016
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5 PAUL S. GREWAL
6 United States Magistrate Judge
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